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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

20 CISCO SYSTEMS, INC.,

21 Plaintiff,

22 vs.

23 ARISTA NETWORKS, INC.,

24 Defendant.

25 CASE NO. 5:14-cv-5344-BLF

26 **ADMINISTRATIVE MOTION TO FILE
27 UNDER SEAL CONFIDENTIAL
28 INFORMATION IN CISCO'S MOTIONS
TO EXCLUDE EXPERT OPINION
TESTIMONY FROM DEFENDANT
ARISTA NETWORKS, INC.'S EXPERTS**

29 Judge: Hon. Beth Labson Freeman

30 02099-00004/8227209.1

1 Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings
 2 this administrative motion for an order to seal certain information filed in connection with Cisco’s
 3 Reply in Support of its Motion for Partial Summary Judgment.

4 **I. LEGAL STANDARD**

5 In the context of non-dispositive motions, materials may be sealed so long as the party
 6 seeking sealing makes a “particularized showing” under the “good cause” standard of Federal
 7 Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th
 8 Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir.
 9 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that
 10 the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled
 11 to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The
 12 sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

13 **II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL**

14 Cisco makes this request to seal the documents identified herein for the reasons explained
 15 in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File
 16 Under Seal (“Jenkins Declaration”). Cisco has narrowly tailored its request to seal only
 17 confidential information related to its customers, sales, accounts, technology, source code,
 18 competitive strategies, pricing, and other related planning and strategies as detailed in the Jenkins
 19 Declaration. Cisco also files this motion to seal to provide Arista Networks, Inc. and third parties.
 20 the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding the
 21 confidentiality of some exhibits, as detailed below.

22 **II. DOCUMENTS SOUGHT TO BE SEALED**

23 The documents, and portions of documents, that Cisco seeks to seal through this motion
 24 are included in the chart below:

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Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Cisco's Motion to Exclude Expert Opinion Testimony From Arista's Expert Dr. John Black ("Black Motion")	Highlighted Portions	Arista
Cisco's Motion to Exclude Expert Opinion Testimony From Arista's Expert William M. Seifert ("Seifert Motion")	Highlighted Portions	Arista
Cisco's Motion to Exclude Expert Opinion Testimony From Arista's Expert Cate M. Elsten ("Elsten Motion")	Highlighted Portions	Arista
Exhibit 1 to the Declaration of Andrew M. Holmes ("Holmes Declaration") ("Black Opening Report")	Entire	Cisco Arista Juniper Networks (Third Party) Hewlett Packard Enterprise ("HPE") (Third Party) Dell, Inc. (Third Party)
Exhibit 2 to the Holmes Declaration ("Black Rebuttal Report Report")	Entire	Arista Cisco
Exhibit 4 to the Holmes Declaration	Entire	Arista

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Exhibit 5 to the Holmes Declaration ("Seifert Report")	Entire	Arista Dell, Inc. (Third Party) Juniper Networks (Third Party) Hewlett Packard Enterprise ("HPE") (Third Party)
Exhibit 6 to the Holmes Declaration	Entire	Arista
Exhibit 7 to the Holmes Declaration ("Elsten June 3, 2016 Report")	Entire	Cisco Arista Dell, Inc. (Third Party)
Exhibit 8 to the Holmes Declaration ("Elsten Rebuttal Report")	Entire	Cisco Arista Dell, Inc. (Third Party)
Exhibit 9 to the Holmes Declaration	Entire	Cisco Arista
Exhibit 10 to the Holmes Declaration	Entire	Cisco
Exhibit 12 to the Holmes Declaration ("Clark June 3, 2016 Report")	Entire	Arista
Exhibit 13 to the Holmes Declaration (Excerpts of the "Clark Rebuttal Report")	Entire	Arista

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28 August 5, 2016

Respectfully submitted,

/s/ John M. Neukom
John M. Neukom

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ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN
CISCO'S MOTIONS TO EXCLUDE EXPERT TESTIMONY